

REMARKS

After the above amendments, Claims 1 and 7-28 are pending. Claims 14-22, 24 and 26 are withdrawn. New Claims 27 and 28 have been added.

Claims 1-4, 6-9, 12-13, 23 and 25 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by PCT Publication No. WO 01/30501 to Kennewell et al. ("Kennewell").

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kennewell in view of U.S. Patent No. 6,685,794 to Shinohara et al. ("Shinohara").

Applicants have amended Claims 1, 8, 10-13, 23 and 25 for clarification, and have cancelled Claims 2-4 and 6. Applicants respectfully traverse the rejections under §102 and §103 for at least the reasons described herein.

Section 102 Rejections

A claim is anticipated under 35 U.S.C. §102 if each claimed element is found in a single prior art reference. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138 (Fed. Cir. 1986). There must be no difference between the claimed invention and the reference disclosure, as viewed by an ordinary artisan. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d at 1576.

Independent Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Kennewell. Applicants respectfully traverse the rejection on the basis that Kennewell fails to disclose all of the recitations of independent Claim 1, as alleged in the Action. Claim 1 has been amended to recite that the ***distributor plate consists of a single base portion having a substantially planar continuous upper surface and a single wear element comprising a substantially planar circular disc, the single wear element being positioned on and affixed to the upper surface to alone entirely cover the upper surface of the base portion.*** Support for the amendment can be found in Figures 1 to 8 of the application and, more generally, in Applicants' specification where the embodiment illustrated and described is a distributor plate 10 consisting of a base portion 28 and a wear plate 26.

The base portion of the distributor plate is provided with a substantially planar continuous upper surface (see page 9 line 5, lines 10-14, and Figures 1-8). The wear element

comprises a substantially planar circular disc (see page 10, lines 24-27) and is positioned on and affixed to the upper surface of the base portion to entirely cover said surface onto which feed material would otherwise be received (see page 10, lines 27-32). The base portion and wear element combine to provide a distributor plate with a substantially flat continuous surface. The advantages of using the flat distributor plate of the present invention are elucidated in Applicants' specification on page 9, line 31 to page 10, line 10, and include a reduced liability to blockage during use because the volume of available space in the rotor chamber is larger than that of prior art devices. Such less obstructive geometry within the chamber of the rotating shaft impactor allows for rapid and easier passage of higher volumes of feed material, or feed materials which have a coarser overall particle size. Use of a single-piece distributor plate will also not result in the development of preferential wear sites of corners, edges, join lines etc., as can happen with the known distributor plates that have two or more parts which form conical or downwardly sloping surfaces.

New Claim 27 defines that the upper surface of the base portion has a constant thickness throughout. Support for the claim is found on page 9 lines 10-11 and Figures 1-8. The advantage of providing a continuous upper surface resides in the absence of preferential wear sites of corners, edges, join lines, etc as discussed above.

New Claim 28 defines the manner in which the distributor plate may be mounted within the chamber without disrupting the continuity of the upper surface of the base portion and the wear plate, respectively. The base portion is mounted in the chamber from its underside by means of a basal spigot provided within a downwardly facing cavity. The cavity is arranged to receive a coupling bolt therein when said plate is mounted in the chamber.

In contrast, Kennewell describes a distributor plate having the disadvantages that the present invention overcomes. As illustrated in the Figures of Kennewell, the Kennewell distributor plate is comprised of a central disc-like member (11) surrounded by an annular member (17). In order for both members (11, 17) to be located in the chamber, the central disc-like member (11) is provided an aperture to receive a composite capping member (12) above a bolt head (15). Accordingly, the Kennewell distributor plate consists of several base portions to provide a surface onto which material in the chamber would be received. Further, between each base portion there inherently exists edges and join lines which provide preferential sites for wear. The Kennewell distributor plate cannot be described as consisting

merely of a single base portion and a single wear element. Neither can the surface of the Kennewell distributor plate be considered as continuous because there is a central aperture recess for receiving a composite capping member (12) above a bolt head (15) in the central disc-like member (11) - the thickness of the surface of the central disc-like member or its corresponding wear member is thus not constant throughout.

Further, the manner in which the Kennewell distributor plate is located and fixed within the chamber demands that the central disc-like member (11) must have a central aperture to receiving the capping member (12) and bolthead (15). Kennewell fails to teach a manner in which the distributor plate may be located and fixed in the chamber from its underside, as in the present invention, thus dispensing with the necessity to disrupt the continuous upper surface of base portion and its wear plate.

Applicants respectfully assert that the rejection of independent Claim 1 under 35 U.S.C. §102 is overcome. Additionally, Applicants submit that dependent Claims 7-13 and 27-28 are patentable at least by virtue of the patentability of independent Claim 1, from which they depend and respectfully requests the allowance thereof. For at least the same reasons set forth above with respect to Claim 1, Kennewell fails to teach all of the recitations of Claims 23 and 25 and, accordingly, does not anticipate Claims 23 and 25. Applicants respectfully assert that the rejections of Claims 23 and 25 under 35 U.S.C. §102 are overcome.

Section 103 Rejections

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kennewell in view of Shinohara. Because Claims 10 and 11 are dependent from Claim 1, Applicants respectfully submit that Claims 10 and 11 are allowable for at least the reasons set forth above with respect to §102. As discussed above, the primary reference, Kennewell, fails to teach or suggest all of the recitations of Applicant's independent Claim 1. The secondary reference, Shinohara, fails to overcome the deficiencies of Kennewell with respect to independent Claim 1. Shinohara describes a method for bonding two optical disc substrates together which comprises the steps of joining the optical disc substrates together with an adhesive and curing the adhesive, in which the adhesive is supplied onto the optical disc substrate by an electric field formed between an adhesive-supplying nozzle, for

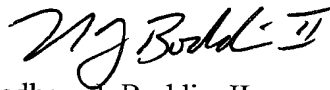
supplying the adhesive onto the optical disc substrate, and the optical disc substrate, and the two optical disc substrates are then joined together and spun by a spinning process.

In view of the above, Applicants respectfully assert that the rejections of Claims 10 and 11 under 35 U.S.C. §103 are overcome.

CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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